



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602) 244-0477

Minutes of Meeting May 17, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 17, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, Arizona Department of Corrections

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Sergeant Chris Andreacola, Tucson Police Department

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Annie Deer, Administrative Assistant
Mike Deltenre, Compliance Specialist
Donna Gieber, Training Specialist
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Lynn Pirkle, Administrative Services Officer
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist
Don Yennie, Program Administrator

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Chief Larry Hall to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Two Board members will not be present today; which leaves us with eight voting members.
- A plaque was presented to Cathy Masters, training supervisor, in appreciation for her over three years of service at AZ POST . Cathy is a lieutenant with the Pima County Sheriff's Department and has been a POST contract employee since September 2013. Cathy is retiring at the end of the month and will be working as the Communications Supervisor for the Salt River Pima-Maricopa Indian Community.
- The Jose Verdugo case will be tabled today.
- A reminder to all those attending the Law Enforcement Pow Wow in July to please register and pay the \$150 conference fee.

C. Consent Agenda

Sheriff Dannels made a motion to accept the Consent Agenda. The motion was seconded by Director Ryan. The motion passed unanimously.

1. Minutes of the Board meeting held on March 15, 2017, were approved as written.
Minutes of the Board meeting held on April 19, 2017, were approved as written.

2. Ministerial Actions:

- a. Certification Waivers:

Taylor J. Hoeft	Goodyear Police Department
Mark E. Banks	AZ Department of Corrections
David Pacino	Oro Valley Police Department
Frank H. Bustillos	Maricopa County Attorney's Office
Matthew S. Conroy	Gilbert Police Department
Amanda Faith Riley	Prescott Valley Police Department
Dave G. Schilling	Wickenburg Police Department
Alexander W. Cowan	Phoenix Police Department
Seth H. Fretheim	Phoenix Police Department
Rod Rojas	Phoenix Police Department

D. Executive Director's Report

Jack G. Lane, Executive Director

He will provide the budget report during the budget presentation.

E. Legislative Update

Jack G. Lane, Executive Director

The Legislature went sine die less than two weeks ago. New bills will become effective August 6. A new bill was passed that involves all boards and commissions; all members must now be fingerprinted prior to appointment.

F. Summary of Current Events

Jack G. Lane, Executive Director

There is nothing new to report.

G. Review, Discussion and Possible Action on Proposed 2017/18 Fiscal Year Budget

Jack G. Lane, Executive Director

The 2017/18 fiscal year budget was presented to the Board for approval. With revenues continuing to decline from our sole source of funding, some program budget cuts were necessary due to the falling revenue. Academies will see cuts to their funding as a result of the declining revenue.

Mr. LeFevre made a motion to accept the 2017-2018 budget as presented. The motion was seconded by Chief Hall and passed unanimously.

H. Reports – Department of Corrections

Director Charles Ryan

- Since the last regular meeting of March 2017, 61 cadets have graduated from COTA. There are currently three classes in session with 106 cadets in attendance. There are 849 vacancies statewide. Fourteen cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies. Two applicants participated in the waiver process; for a savings of over \$13,430 to the agency. A nine-week canine academy just recently graduated.

In-Service Training

Program Administrator Don Yennie

- 1446 total students have graduated from the Arizona Leadership Program (ALP). ALP #21 is currently in its second week of class.
- 392 officers have attended various training classes since the last Board meeting.
- The Defensive Tactics SMEs have revised their lesson plans and will soon be holding instructor schools throughout the state.
- Active Shooter Incident Response Training has been released with a total of 9 credit hours for this training.
- Credit Card Skimmers has also been released.

I. Final Action Cases:**1. 15-042 – Brandon T. Kelley – Tucson Police Department**

The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for the

- voluntary relinquishment of Mr. Kelley's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
2. #16-145 – Andrea J. Lewis – Salt River Pima-Maricopa Indian Community
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Ms. Lewis' peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
 3. #17-015 – Lisa E. Lopez – Tucson Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Ms. Lopez's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
 4. #17-031 – Wallace L. Mariano – Hopi Resource Enforcement Services
The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for a 2-year suspension of Mr. Mariano's peace officer certification. This suspension shall be in effect from July 22, 2016 until July 22, 2018. The motion was seconded by Chief Hall and passed unanimously.
 5. #16-018 – Arick C. Martino – Tucson Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Martino's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
 6. #17-045 – Steven D. Ray – Cochise County Sheriff's Office
Sheriff Dannels recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Ray's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
 7. #16-115 – Taylor Romney – AZ State University Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to reject the Consent Agreement, Decision and Order for a 2-year suspension of Mr. Romney's peace officer certification. The suspension would have been in effect from July 21, 2016 until July 21, 2018. The motion was seconded by Colonel Milstead and passed unanimously. Colonel Milstead stated he was outraged by Mr. Romney's conduct and felt that a 2-year suspension was not adequate.

8. #17-033 – Anthony F. Ryan – Williams Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Ryan's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
9. #17-004 – James H. Short – AZ State University Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for a 3-year suspension of Mr. Short's peace officer certification. This suspension shall be in effect from January 5, 2017 until January 5, 2020; at which time his peace officer certification will lapse. The motion was seconded by Mr. LeFevre and passed unanimously.
10. #16-191 – Christopher P. Trombatore – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Trombatore's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
11. #17-008 – Roth E. Valencia – Coconino County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Valencia's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
12. #17-030 – Steven L. Williams – Show Low Police Department
Chief Hall recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz and Steven Williams. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for a 4-month suspension of Mr. Williams' peace officer certification. This suspension shall be in effect from February 2, 2017 until June 2, 2017. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
13. #17-050 – Martin J. Zuniga – Yavapai County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for a 6-month suspension of Mr. Zuniga's peace officer certification. This suspension shall be in effect from April 1, 2017 until October 1, 2017. The motion was seconded by Colonel Milstead and passed unanimously.
14. #16-184 – Nevin S. Brenner – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Brenner's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

15. #16-047 – George E. Dudas Jr. – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Dudas' peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
16. #16-120 – Jose M. Verdugo – San Carlos Recreation and Wildlife
This case was tabled. Mr. Verdugo is requesting a hearing before the Administrative Law Judge.
17. #16-135 – Kirk L. Wheeler – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Wheeler's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
18. #16-028 – John K. Delamater – Phoenix Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. AAG Saltz informed the Board that if an officer is convicted of a felony, the Board shall revoke certified status. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Delamater's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
19. #16-201 – John M. Hill – Casa Grande Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. AAG Saltz again informed the Board that if an officer is convicted of a felony, the Board shall revoke certified status. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Hill's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
20. #15-012 – Kelsey C. Fortnam – Mesa Police Department
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Ahler (AAG) made a motion to accept the Motion for Reconsideration and rescind the Board's previous action of revocation of Ms. Fortnam's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

F. New Charging Cases:

1. #17-049 – Jonathan R. Clements – Globe Police Department
The Board considered comments from Compliance Specialist Ted Brandon. Sergeant Aparicio made a motion to ***Initiate Proceedings*** against Mr. Clements' peace officer certification and to include violation of AZ POST Rule R13-409(A)(12). The motion was seconded by Sheriff Dannels and passed unanimously.

2. #16-182 – Lutie L. Littleman – White Mountain Apache Police Department
The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Dannels made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
3. #17-046 – Walker S. Morgan – Pinal County Sheriff’s Office
Sergeant Aparicio recused himself from this case. The Board considered comments from Compliance Specialist Billy Caldwell. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. Morgan. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
4. #17-041 – Tanner E. Ricks – Prescott Police Department
The Board considered comments from Compliance Specialist Mike Deltenre. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Mr. LeFevre. The motion passed 6-1. Board member Chief Hall voted against the motion.
5. #17-040 – Evelyn R. Somoza – Yavapai County Sheriff’s Office
The Board considered comments from Compliance Specialist Mike Deltenre. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Mr. LeFevre. The motion passed 6-1. Board member Chief Hall voted against the motion.
6. #17-017 – Blake A. Deimund – Tucson Police Department
The Board considered comments from Compliance Specialist Cathy Hawse. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Deimund’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
7. #16-197 – Robert W. Baxter Jr. – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Dannels made a motion to ***Initiate Proceedings***; he then amended the motion to ***Resolve in Future***. The motion was seconded by Chief Hall and passed unanimously.
8. #17-038 – Margaret J. Florez – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Hall made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Colonel Milstead and passed unanimously.
9. #15-170 – Jazz E. Knighton – Colorado River Indian Tribe Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. The Board voted to initiate proceedings against Mr. Knighton’s peace officer certification on September 21, 2016. The case overview has since been amended and the Board must take action once again. Chief Hall made a motion to ***Initiate Proceedings*** against Mr. Knighton’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

10. #17-037 – Hilario Samudio – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Samudio's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

11. #16-106 – Joseph W. McGough – Peoria Police Department

The Board considered comments from Compliance Specialist Lori Wait. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. McGough's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

12. #16-054 – Elgin J. Miguel – Gila River Police Department

The Board considered comments from Compliance Specialist Lori Wait. Director Ryan made a motion to ***Initiate Proceedings*** against Mr. Miguel's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

13. #15-106 – Ronald H. Platerio – Gila River Police Department

The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Platerio's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

14. #15-110 – Carl J. Sexton – Peoria Police Department

The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to Initiate Proceedings against Mr. Sexton's peace officer certification. The motion was seconded by Colonel Milstead. The motion failed. Mr. Ahler (AAG) made a motion to ***Resolve in Future***. The motion was seconded by Sergeant Aparicio and passed unanimously.

G. Future Agenda Items

Executive Director Lane stated a database demonstration will be presented to the Board at the June meeting that will detail how past cases are researched to determine what previous actions the Board has taken on past similar fact based circumstances. He also stated a discussion regarding the restriction of armed individuals that attend our meetings will be placed on a future agenda. AZ POST provides lockers for the storage of handguns. Chief Rodbell stated he would ask that legal provide input on this matter also.

H. Adjournment

Prior to adjournment, Sheriff Dannels introduced Kent Foley, a retired detention officer from the Cochise County Sheriff's Office who attended the meeting to observe the Board and learn more about the proceedings.

The meeting was adjourned at 11:57 a.m.